

DAVID W. SCOFIELD – 4140

PETERS | SCOFIELD

A Professional Corporation

7430 Creek Road, Suite 303

Sandy, Utah 84093-6160

Telephone: (801) 322-2002

Facsimile: (801) 912-0320

E-Mail: dws@psplawyers.com

Counsel for Plaintiff and the Putative Class

**UNITED STATES DISTRICT COURT
DISTRICT OF UTAH**

<p>SHERRY TERESA, individually and on behalf of all others similarly situated,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>MAYO FOUNDATION FOR MEDICAL EDUCATION AND RESEARCH,</p> <p style="text-align: center;">Defendant.</p>	<p>STIPULATED MOTION TO EXTEND TIME TO RESPOND TO MOTION TO DISMISS (ECF NO. 29)</p> <p>Case No. 4:24-cv-00033-AMA-PK</p> <p>Judge Ann Marie McLiff Allen</p> <p>Magistrate Judge Paul Kohler</p>
---	--

STIPULATED MOTION

By and through counsel, Plaintiff Sherry Teresa and Defendant Mayo Foundation for Medical Education and Research (collectively “the Parties”), respectfully file this Stipulated Motion for an Extension of Time for Plaintiff to respond to Defendant’s Motion to Dismiss the First Amended Complaint,¹ and state as follows:

Relief requested: Plaintiff requests, and Defendant does not oppose, a further one-week enlargement of time for Plaintiff to file her opposition to Defendant’s Motion to Dismiss (ECF

¹ Dkt. 29.

No. 29) and for Defendant to file its reply respectively. Plaintiff's opposition is presently due on September 11, 2024 and Defendant's reply is due October 9, 2024.

Grounds: This is a putative class action that alleges that Defendant violated Utah's Notice of Intent to Sell Nonpublic Personal Information Act, Utah Code Ann. § 13-37-101, *et. seq.* (the "NISNPIA") by renting, selling, exchanging, and otherwise disclosing Nonpublic Personal Information it obtained through its sales of publications to Utah consumers without first providing consumers notice required under the NISNPIA statute. Defendant's Motion to Dismiss the FAC, which was filed on July 31, 2024, seeks dismissal of Plaintiff's claims on several grounds – that the Court lacks subject matter jurisdiction because NISNPIA bars federal class actions, that the Court otherwise lacks subject matter jurisdiction because Plaintiff cannot meet CAFA's requirements, that Plaintiff lacks Article III standing, and that Plaintiffs have failed to state a claim under the statute because Defendant is not a covered "commercial entity" under the NISNPIA.

Plaintiff seeks, and Defendant does not oppose, an additional one week to respond to Defendant's legal and factual arguments. Plaintiff previously sought, and the Court granted, a two-week extension of time to respond.² A further extension of time is sought because of illness of counsel for Plaintiff and unexpected, intervening developments in other matters which required Plaintiff's counsels' attention. For these reasons, counsel requires additional time to prepare an opposition that fully addresses Defendant's multiple grounds for dismissal. Defendant seeks, and Plaintiff does not oppose, a similar enlargement of time for its reply. Accordingly, Plaintiff respectfully requests that the Court adjust the briefing schedule on the motion to dismiss as follows:

Plaintiff's Opposition due: September 18, 2024

² ECF No. 32

Defendant's Reply due: October 16, 2024

Dated: September 9, 2024

/s/ Michael E. Rowe

Michael Edward Rowe (*Pro Hac Vice*)

DORSEY & WHITNEY LLP

50 S Sixth Street, Suite 1500

Minneapolis, MN 55402

Telephone: (612) 492-6724

Email: rowe.michael@dorsey.com

*Counsel for Mayo Foundation for
Medical Education and Research*

Respectfully submitted,

/s/ David W. Scofield

DAVID W. SCOFIELD – 4140

PETERS | SCOFIELD

A Professional Corporation

7430 Creek Road, Suite 303

Sandy, Utah 84093-6160

Telephone: (801) 322-2002

E-Mail: dws@psplawyers.com

Counsel for Plaintiff and the Putative Class